

### **REMARKS**

Reconsideration of this application is respectfully requested in view of the above amendments and the remarks contained herein.

#### **PENDING CLAIMS AND SUPPORT FOR AMENDMENTS**

Upon entry of this amendment, claims 1, 3, 5-7, 9, and 11-18 will be pending in this application. Claims 2, 4, 8, and 10 have been cancelled without prejudice to, or disclaimer of their subject matter.

Support for the amendments to claims 1, 3, 5, 6, 7, 9, and 11-14 and new claims 16-18 can be found in the specification at paragraphs 22-24, and in Figures 3-4.

#### **OBVIOUSNESS REJECTION**

On pages 3-6 of the Office action dated August 5, 2010, the Office has rejected claims 1-15 under 35 U.S.C. § 103(a) as obvious over U.S. Patent Publication No. 2002/0019848 (Sugawara et al.) in view of U.S. Patent No. 7,366,757 (Ushida). Applicant respectfully traverses this rejection for the reasons given below.

The Office action states:

Regarding Claim 1, Sugawara'848 shows a data transmission apparatus comprising: a sender which sends an e-mail and a request for a return confirmation of receipt of the e-mail to a destination (i.e., a sender sends email and ads MDN for a request for a return confirmation of receipt. See Paragraphs 6-9, 43-51, 58-59, 69-76, 233-237, 239-246 and Figure 25-26 and claims 1-7 and 38); a receiver which receives the confirmation of receipt from the destination (i.e., confirmation email can be sent and received. See Paragraphs 6-9 and 69-76); and a controller which issues a transmission management report, describing a result of previously sent transmission for a plurality of transmissions in the transmission management report,

wherein said controller describes in the transmission management report a previously sent transmission or transmissions on which the result of transmission is uncertain when the transmission management report is issued (i.e., notifying/issuing message disposition notification (MDN), this information is given in the form of reports with a communication management information table for storing the communication management information which is formed each time the transmission and reception of the facsimile of the transmission and reception by email are executed. See Paragraphs 6-9, 43-51, 58-59, 69- 76, 233-237, 239-246 and Figure 25-26 also see claims 1-7 and 38).

Office action dated August 5, 2010 at pages 3-4. The Office recognizes at least one deficiency in Sugawara et al., stating:

Sugawara'848 fails to specifically show transmission management reports being issued at predetermined timings.

Office action dated August 5, 2010 at page 4. In an attempt to cure this deficiency, the Office cites Ushida, stating:

Ushida'757 teaches transmission management reports being issued at predetermined timings (i.e., notifying means for notifying updates in the communication transmission contents are shared/transmitted notified when updated or at arbitrary timings. See Column 13, Lines 25-57).

Office action dated August 5, 2010 at page 4.

The Office concludes that the combination of the teachings of Ushida with those of Sugawara et al. makes the claimed invention obvious.

Having the system of Sugawara'848 and then given the well-established teaching of the Ushida'757, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system as suggested by the combination of Sugawara'848 with the teachings of Ushida'757,

by adding the option of adding time limitations to when to update transmission information knowledge to the management transmissions reports would help improve the system to a more user friendly and efficient system where the user is updated in the status of all the transmission sent.

Office action dated August 5, 2010 at pages 4-5.

Applicant respectfully submits that, even if it were proper to combine the teachings of Ushida with those of Sugawara et al. (which Applicants do not admit), the result would not be Applicant's claimed invention. Neither of the cited references teaches or suggests a controller that periodically issues a transmission management report that describes the results of previously sent transmissions for a plurality of transmissions, where the transmission management report describes:

(a) a previously sent transmission or transmissions on which the confirmation of receipt had been received when the transmission management report is issued,

(b) a previously sent transmission or transmissions on which the confirmation of receipt had not been received and a and a predetermined wait time had not elapsed when the transmission management report is issued, and

(c) a previously sent transmission or transmissions which was described in the preceding transmission management report and on which the confirmation of receipt had not been received and a predetermined wait time had not elapsed when the preceding transmission management report is issued.

Because neither of the cited references teach or suggest these features, the combined teachings of the references do not teach or suggest every feature of the claimed invention.

For these reasons, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of obviousness, and that this rejection should be withdrawn.

#### CONCLUSION

Applicants submit that this application is in condition for immediate allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions about this application, or believes that any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned to arrange for a personal or telephonic interview to resolve these issues prior to the issuance of another Office action.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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